

REMARKS

In the Restriction Requirement, the Examiner required election, under 35 U.S.C. § 121, of one of the following Claim Groupings:

Group I: Claims 2, 3, 6-13, classified in Class 705 Subclass 37

Group II: Claims 4, 5, 14-19 classified in Class 705, Subclass 14

Applicant's representative thanks the Examiner for the interview conducted with Applicant's representative on February 28, 2008. During this communication, it was discussed that the restriction requirement listed the wrong subclasses. Group I instead should be listed as Class 705, Subclass 38 and Group II should instead be listed as Class 705, Subclass 4. It was understood that the Examiner would issue an Examiner Interview Summary but Applicant has not received same.

According to the Patent Classification Manual, Class 705 relates to data processing: financial, business practice, management, or cost/price determination. Subclass 38 relates to credit (risk) processing or loan processing (e.g., mortgage), and generally is drawn to a computerized arrangement for evaluation of the risk factors in a loan determination. Subclass 4 relates to insurance and generally is drawn to a computer implemented system or method for writing an insurance policy or processing an insurance claim.

The Examiner states: "Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations." OA, page 2. The Examiner further sets forth that "there would be a serious search and examination burden if restriction was not required because of one or more of the reasons as follows: (a) the inventions have acquired a separate status in the art in view of their different classification; (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter; (c) the inventions

require a different field of search; (d) the prior art applicable to one invention would not likely be applicable to another invention; or (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.”

The Examiner, however, provides no evidence (i.e. as to the language in the claims which gave rise to the restriction) to support the restriction requirement or any of the conclusory statements set forth by the Examiner. Applicant is thus unable to understand the Examiner’s reasoning in order to appreciate and address the concerns raised by the Examiner. Accordingly, Applicant respectfully traverses the restriction requirement since the Examiner has failed to establish a *prima facie* case for a restriction under 35 U.S.C. § 121.

Applicant further traverses the requirement on the grounds that there is no undue burden on the Examiner necessitating the restriction. First, the Examiner is reminded that a search has already been performed for the pending claims without objection. Applicant’s previous amendments to each claim are consistent, such that the same prior art search would be conducted for all amended claims. Further, the number of claims is not excessive. Applicant also submits that the art to be searched does not differ significantly among Groups I and II. In fact, Group II is incorrectly classified by the Examiner in Class 705, Subclass 4. Subclass 4 relates to insurance, insurance policies, and insurance claims. As can be clearly seen from a review of the claims, Claims 4, 5, 14-19 in Group II each cover a method of refinancing a mortgage loan, and as can be seen by the steps of the method, result in the creation of a refinancing loan agreement. This is a mortgage product, not an insurance product. Therefore, the classification of Group II is not appropriate. Based upon the subject matter, the appropriate classification appears to be that set forth for Group I, Claims 2, 3, 6-13 which, as indicated by the Patent Classification Manual relates to mortgage products.

For at least the foregoing reasons, Applicant requests that the restriction requirement be reconsidered and withdrawn.

In the event that the restriction requirement is maintained, Applicant provisionally elects claims 4, 5, 14-19 in Group II, and requests that these claims be examined. Applicant expressly

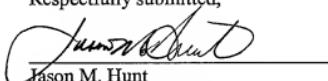
Examiner: Daniel S. Felten

reserves the right to pursue additional protection for the subject matter of Group I, Claims 2, 3, and 6-13 in a separate co-pending application in the event these claims are withdrawn.

In view of the above amendments and remarks, it is respectfully submitted that this Application is in condition for allowance and such action is earnestly solicited. However, should the Examiner have any further point of objection, the Examiner is urged to contact the undersigned so that a mutual agreement with respect to claim limitations can be reached.

Respectfully submitted,

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